

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002P10550WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/007280	International filing date (day/month/year) 07 July 2003 (07.07.2003)	Priority date (day/month/year) 02 August 2002 (02.08.2002)
International Patent Classification (IPC) or national classification and IPC H04L 12/58, H04Q 7/22		
Applicant SIEMENS AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>6</u> sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 05 September 2003 (05.09.2003)	Date of completion of this report 03 May 2004 (03.05.2004)
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

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International application No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-18 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1-22 _____, filed with the letter of _____ 07 April 2004 (07.04.2004)
- ☒ the drawings:
pages _____ 1/5-5/5 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-21	YES
	Claims	22	NO
Inventive step (IS)	Claims	1-21	YES
	Claims	22	NO
Industrial applicability (IA)	Claims	1-22	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following document:

D1: WO 01/91487 A (KAMIYAMA HIROYUKI; MAAS FEDOR (JP); WANAMI ATSUSHI (JP); ERICSSON) 29 November 2001 (2001-11-29)

D1, which is considered to be the closest prior art, discloses, as claimed in claim 1 (the references in parentheses relate to said document): a method for blocking undesirable messages in a mobile radio telephone system, comprising the following method steps: transmission of a message from an originator to a transmitter, transmission of the message from the transmitter to a service provider, and transmission of the message from the service provider to a recipient, said recipient being served by the service provider, and the message being transmitted from the service provider to the recipient only if the originator does not appear in a list of exclusions (see figures 2 and 3).

The problem addressed by the present invention is that of enabling undesirable messages to be individually blocked without the recipient being aware of the originator's identity.

The solution to this problem is provided by the following features: in a first embodiment defined in claim 1, the recipient receives the message anonymously and informs the service provider if he wishes to have the originator of the message included in the list of exclusions. The notification to the service provider includes a message identifier from which the service provider can identify the originator. The message identifier is a reference to the storage location of the message or a message ID element. In a second embodiment defined in claim 2, the recipient receives the message with an alias name and informs the service provider if he wishes to have the originator of the message included in the list of exclusions. The notification to the service provider includes the alias name as identification signal.

These features are not disclosed by the available prior art and cannot be deduced therefrom without an inventive step. D1 does not disclose the fact that the recipient receives the message anonymously or with an alias name. D1 discloses only that the identity of the originator of the last message can be included in the list of exclusions. That is, however, done using "voice guidance" and not by the transmission of an identification signal. In no case would a person skilled in the art therefore deduce the claimed method from the available prior art.

The method of claims 1 and 2 is therefore novel and inventive. Claims 1 and 2 thus satisfy the criteria of PCT Article 33(2) and (3).

Claims 11 and 12 are claims relating to a system and are technically equivalent to method claims 1 and 2. For the reasons already given above in respect of claims 1 and 2,

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claims 11 and 12 are novel and inventive and thus satisfy the criteria of PCT Article 33(2) and (3).

Claims 3 to 10 and 13 to 21 are dependent on claims 1, 2, 11 and 12. These claims therefore likewise satisfy the criteria of PCT Article 33(2) and (3).

Claim 22 relates to a transceiver, especially a mobile radio telephone base station, **for use** in a method or in a system as defined in one of the preceding claims. Such a method or such a system, however, uses conventional base stations **as per the state of the art**, that is to say without adjustments. Claim 22 is therefore not novel and thus does not satisfy the criteria of PCT Article 33(2).